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. The 49th meeting of the CIA RETIREMENT BOARD
convened at 2:00 p.m. on Tuesday, 6 December 1966, with the following
present:

25X1A

Mr. Emmett D. Echols, Chairman

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[REDACTED] hell, DDP Member

[REDACTED] DDI Member

[REDACTED] DDI Member

Mr. George C. Miller, DDS&T Alternate Member

[REDACTED] DS Member

[REDACTED] Legal Adviser

[REDACTED] Technical Adviser

[REDACTED] Finance Adviser

[REDACTED] Executive Secretary

[REDACTED], Recording Secretary

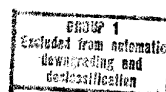
MR. ECHOLS: Let's take a look at the Minutes of the
last meeting. I want to correct the very first Minute: "The minutes of
the last meeting of the Board were reviewed and approved as corrected" --
not "as presented."

Any other additions or corrections to the Minutes?

(No response.) If not, we will accept the Minutes as corrected.

I would like to make some comments on the cases
that are in the Minutes. The first one is 2.a., the case of [REDACTED] A9a
Although this was a routine case where we had to get an advance decision from
the Director before we put the man into the System, I had to go up to the 7th
floor and give them a half-hour explanation of how the System works, because
they still didn't understand that in fact the law says certain things will happen,
and they were very unhappy up there because they felt that the DD/P should have
gotten an extension for [REDACTED] before they ever sent him overseas. 25X1A9a
this is not relevant, really, at all, and I finally explained in detail the workings
of the System, and the legal requirements, and why in the 15 year cases we have
to get the individual's decision before we put him in, and on the people who are
over 60 how we have to get a decision with respect to possible extension again
before we put the man in so he won't be automatically removed from Agency

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service. But I think I have finally straightened them out up there.

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[REDACTED] Well, I just wonder, though, if there isn't a point there, that the various Career Services should be alerted to the fact that you do not send a man overseas at age 59 for a three-year tour.

MR. ECHOLS: That is certainly a good point. I have written a memorandum to the Heads of the Career Services this week asking them to anticipate when a person will become subject to the mandatory retirement age and to initiate the necessary action at least six months beforehand, if possible. And I agree with you (indicating [REDACTED]), to send a man

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age 59, who is not in the System, overseas, you have put the Director over a barrel right then and there. What can he do? He can order the man to immediately come home, or he is forced to an affirmative decision--

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[REDACTED]: You can almost read it that you will not normally send a man overseas--

MR. ECHOLS: I'm going to get this reaction from the Director every time it happens -- no doubt about it -- and very properly so.

I might also take up right now the case set forth in paragraph 4 of the Minutes. [REDACTED] you will recall, raised the case, or said he knew of a case or thought there was a case of an employee who obviously had been hired in [REDACTED] We have since gotten the specific case, and it's the case of [REDACTED] I think you were misled by Form 3100 to conclude that the man undoubtedly was hired in [REDACTED] --

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but this is not the fact at all. The man's service computation date with the Agency actually goes back to July 29, 1952, and he was hired in the United States, worked many, many years at Headquarters, was sent overseas and served six years overseas. So this is no precedent case.

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[REDACTED] Then did he quit --

MR. ECHOLS: Not to my knowledge. He is still there. So this is not a precedent case. We still are faced with the problem of what will we do about people who may be hired in [REDACTED] and

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so on, principally for service right there. I would think, off-hand, that perhaps these people might not be considered eligible for the System. On the other hand, if they are hired on a full career basis, with acceptance of the career obligation to go when, where and as their services are required, that they would get credit for this. But as yet we don't have this problem, to my knowledge.

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[REDACTED] I would think that if they are hired locally to work there that, regardless of what might happen, you would wait until you saw what DID happen, and if in fact they left [REDACTED] and performed duty away from home base, reconsider the matter. But otherwise I don't believe they are really eligible within the spirit of the Act --

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[REDACTED] You would have to face up to, on the 5 year review, do you give them credit for overseas--

MR. ECHOLS: The first question is do you put them in--

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[REDACTED] I would say you would not unless there was overriding evidence--

MR. ECHOLS: Until some subsequent move in their career showed that they were really subject to recurring periods of duty abroad.

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[REDACTED] Put the burden of proof on them.

[REDACTED] We as a Board are making a decision that it is not qualifying service, otherwise you would put them in.

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[REDACTED] If you leave it up to the Career Services to choose whether or not to put them in some Career Services may put people in that category in and others may not, and we may not have uniformity. If the Board should then approve the cases that were put in there may be others equally deserving that would never come before the Board. So, at some stage -- although I agree we don't need it now -- I think we need a statement of policy.

MR. ECHOLS: I think the first time such a case comes up we will sit down and hack out a statement of policy and issue it to the Career

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Services concerned. Yes, I agree.

So, as of this moment we are in no bind -- we have no precedent case -- and the real policy has yet to be worked out.

Coming back to the memo which I am sending out to the Heads of Career Services, the subject is: Timely Submission of Requests for Extensions of Service Beyond Mandatory Retirement Age for Participants in the CIA Retirement and Disability System. (Reading)

"1. Paragraph n. of [REDACTED] provides for the mandatory retirement of participants in the CIA Retirement and Disability System upon their reaching age 60, if GS-17 or below, or age 65, if GS-18 or above. This paragraph further provides that the Director of Central Intelligence may extend a participant's service beyond his mandatory retirement age for a period of not more than five years whenever the Director determines such extension to be in the public interest. 25X1A

"2. In order that the Director may be afforded ample time to reach his decision in such cases, it is imperative that requests for an extension of service be submitted well in advance of a participant's mandatory retirement date. Such lead time is essential for both operational and personal planning, both of which must reflect the decision of the Director.

"3. While there have been no critical problems thus far as a result of failure to submit such requests in a timely manner, this is no guarantee that they might not arise in the future. As a precautionary measure, therefore, it would be appreciated if you would ensure that the plans for each participant within your Career Service who is approaching mandatory retirement age be reviewed at least six months in advance of the date on which he will reach mandatory retirement age and request any necessary extensions promptly."

MR. ECHOLS: This does not solve your particular problem--

25X1A9a [REDACTED] No. Actually I had one fellow who sort of asked: "Couldn't you send me overseas, and then I would almost have a built-in one year extension -- because they would have to call me back at the end of one year, and they won't do that" -- you know, that sort of thing. We didn't buy this -- but it is built in. In other words, the six months wouldn't stop you from sending a fellow 58 and a half years old overseas for a two-year tour.

MR. ECHOLS: I don't think this memo would be very well received if I said: Please don't so arrange a two-year overseas tour --

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[REDACTED] case, he's not 60, but if he
went another year before he went overseas -- and he was looking for a three-
year tour -- then he would be into an extension.

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[REDACTED] Mandatory retirement for age reads: "Any
participant receiving compensation at the rate of GS-18 or above shall be
automatically separated from the Agency upon reaching the age of sixty-five.
Any participant receiving compensation at a rate less than grade GS-18 shall be
automatically separated from the Agency upon reaching the age of sixty. Such
separation shall become effective on the last day of the month in which the
participant reaches age sixty or sixty-five, as specified in this subparagraph.
However, whenever the Director shall determine it to be in the public interest,
he may extend such participant's service for a period not to exceed five years.
A participant separated in accordance with this provision who has completed
five years of Agency service shall receive retirement benefits in accordance
with the provisions of subparagraph q."

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MR. ECHOLS: The law apparently requires separation with
or without immediate annuity--

[REDACTED] And it's five years of Agency service.

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MR. ECHOLS: -- and that's a pretty tough law, when you
stop to think about it, isn't it.

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[REDACTED]: But I think that that particular part was put in
because the Committee was worried about people who were going to come here
from the Department of Agriculture after 30 years and work two years and then
get this Retirement System.

MR. ECHOLS: That is exactly correct -- I remember that
hypothetical example.

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[REDACTED] But I don't know how they would get into our
System to begin with -- they would still have to have 18 months of qualifying
service. Your point is, they could come on board, immediately do a two-year
tour-- We don't even consider them until they have been with us five years.

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[REDACTED] That is a groundrule we created. Under the 25X1A9a
Regulation, after three years they can be considered. I don't think we really
will ever have a case--

MR. ECHOLS: The specific case the Committee brought up
was a Department of Agriculture expert, let's say, who comes over to us at the
very tail end of his Federal career, at age 58, gets a fast assignment overseas,
is put into the System - and, bango! is retired with these benefits. They say
his career doesn't warrant it -- he hasn't put in at least five years --

MR. GEORGE MILLER: Wouldn't that man have to have at
least five years overseas? 25X1A9a

[REDACTED] Five years of Agency service -- not five years
of qualifying service. 25X1A9a

[REDACTED] Under our groundrules he would have to have
18 months of qualifying service to be in the System.

MR. GEORGE MILLER: This is the first time that I knew
you didn't have to have five years with the Agency overseas to be in the System.
You say that it's 18 months?

MR. ECHOLS: You have to have 60 months of qualifying
service in order to get retirement benefits, excepting for disability retirement
or death benefits, and if the mandatory age thing takes over, it also is an
exception -- but that isn't likely to happen. 25X1A9a

[REDACTED] You do retire with full benefits if you have less
than five years if you reach the age limit first?

MR. ECHOLS: Apparently. 25X1A9a

[REDACTED] I never read it that way.
[REDACTED] I think it's unlikely that we would have a case
come up where we had a man who was 60 with only five years of Agency service
who would have had the 18 months of qualifying service. But technically, if he
is qualified to be a participant and has the five years with the Agency he retires
at age 60 but his annuity is based only on the five years unless he has brought

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[REDACTED]: I think he did pretty well. 25X1A9a

[REDACTED] I think he thinks the door is locked forever.

MR. ECHOLS: If he hadn't put that business about "in time" in there, I would say he understood the situation. I would judge from his memo that primarily it was her personal unwillingness to go overseas again that blocked this thing. I think I should clarify this--

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[REDACTED] And even his "in time" is probably true -- however, I guess you would have to say to her if at any subsequent time she manages to make the three months, we will be glad to reconsider her.

MR. ECHOLS: So I'll go back and clarify this. But apparently she must come out of the System.

Are we all agreed this is a case where this person, regretfully, must come out of the System? (Conferees indicated in the affirmative.) But we will let her know that if at some future time she should qualify, her case will be reconsidered.

Now we come to our cases for today. In the first category are those who will acquire a vested interest, having had 15 or more years of Agency service. Are there any questions or observations on these cases?

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[REDACTED] I move we offer them an election, Mr. Chairman.

25X1A9a

[REDACTED] Second.

. . . . This motion was then passed

MR. ECHOLS: Category B consists of only three cases, I believe, of those who will within six months complete 15 years of service. I call your attention to the fact that one case, [REDACTED] had a prior period of contract employee service, part of which is held to be creditable and part of which is not held to be creditable, but that service was essential to his having the requisite 60 months.

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the time is ripe [REDACTED] I move we offer them an election when
[REDACTED] Second.

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. . . . This motion was then passed

MR. ECHOLS: The next category consists of 40 cases of employees with at least five years of Agency service and who meet the basic criteria for designation.

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[REDACTED] I move we designate them.

MR. GEORGE MILLER: I had one question. I noticed that in some cases the time which was given on the front sheet was not exactly the same as on the other sheets. [REDACTED] was one of the ones I questioned -- I couldn't figure out all that was involved.

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MR. ECHOLS: The front sheet only attests to the verified qualifying service -- in other words, we know positively that the person has the requisite 60 months. In [REDACTED] case, he has more than that -- indeed, the man is currently overseas. But we don't attempt to verify anymore than the minimal requirement. I think it's very encouraging to note, though, that as far as the vast majority of these young people we will never have to look at their cases again - never.

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[REDACTED]: It struck me the other day that we have never had a group of names come up which said: the following people have now completed 10 years of Agency service and they don't have their three years and therefore they're out of the System.

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MR. ECHOLS: For a very simple reason: it's not 10 years of Agency service, it's five years in the System, 10 years in the System, and 15 years of Agency service -- so it will be some time before we get our first 5-year review--

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[REDACTED]: That is good -- but in the meantime it does

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mean that we could have people with 10 years of Agency service who do not have more than three years of qualifying service but who are, nevertheless, in the System.

MR. ECHOLS: Yes.

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[REDACTED] What would happen in event of death? - would they be considered eligible?

MR. ECHOLS: They would get the benefits.

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[REDACTED] : Even though they have not maintained this minimum--

MR. ECHOLS: They get the benefit of the doubt, if you will, during the intervening years from the initial qualification -- the five year qualification, and the 10 year qualification -- even though their careers perhaps have gone off in another direction completely, they get the benefit of the doubt.

25X1A9a

[REDACTED] So there will be no review until the System is five years old --

MR. ECHOLS: The 15 year review of Agency service -- they could be popping up, of course, any time -- and they will.

Okay. Any other discussion of this group? (No response.) If not, may I have a motion?

25X1A9a

[REDACTED] You have had a motion -- which I second.

. . . . This motion was then passed

MR. ECHOLS: Just one other thing -- I'd like to give you a report on a couple of pending matters. I am still attempting to get a written ruling from the OGC on this matter of career field, if you will, as to whether a man has to be currently in a career field which calls for recurring periods of overseas service or whether we can generally ignore, on this first go-around, what a man is currently doing. I think actually General Counsel has already expressed himself orally on this -- and the Board has indicated we would accept

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this, that we were not going to be too strict on what a person is currently doing, or what their current state of health may be, and so forth. But you have asked for a written ruling, so we're trying to get one. I wrote up this request for the General Counsel but the General Counsel took exception to the manner in which I had written it, so they asked that I try again.

I would like to also give you a little report on our progress, where we stand. There are only 23 cases pending action by Career Services. There have been handled more than [REDACTED] So I think we 25X9 have put in a pretty good year or year and a half's work -- everybody has. I think you have done a splendid job. Of these 23 cases, it may be that some -- perhaps as many as half a dozen -- will be presented, I believe, as 11(c) cases.

[REDACTED] You still have quite a few more-- 25X1A9a

MR. ECHOLS: Yes, in the hopper, but they appear to be pretty routine. One or two more meetings should wind up this major undertaking. Thereafter we will probably meet I would think not more often than monthly, to pick up the occasional 15 year case, and retirement cases, and those who are attaining eligibility having completed three years, and so on. So it looks like our job is essentially done, gentlemen -- and I think we have proven the thing can be made to work. 25X1A9a

[REDACTED] May I raise one matter? We have a case of an individual who has had about three and a half years of overseas service with the Agency, who has been loaned to the White House and, at White House request, has spent quite a bit of time overseas on TDY for the White House. He raised the question with me today as to whether this kind of service would be considered qualifying. 25X1A9a

[REDACTED], is he on something at the White House that is sort of a joint activity-- 25X1A9a 25X1A9a

[REDACTED] I'm talking about [REDACTED] He is on a leave of absence from the Agency. He left the White House, while he was still on a leave of absence, and went to the Ford Foundation on a contract

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